

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KELLEY VOELKER, :

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5-9-13</u>

Plaintiff, : 11 Civ. 6362 (PAC)

-against- : ORDER

DEUTSCHE BANK AG, :

Defendant. : -----x

HONORABLE PAUL A. CROTTY, United States District Judge:

Pursuant to the Court's direction, Defendant submitted its privilege log on May 3, 2013, together with those documents as to which the parties are in dispute. On May 7, 2013, Plaintiff's counsel submitted a letter objecting to the assertion of attorney-client privilege or work product protection.

The Court recognizes that a claim of attorney-client privilege or work product protection for an in-house counsel must be scrutinized to insure that business advice is not shielded from discovery due to an inaccurate or overbroad assertion of legal protection. Nonetheless, it is clear that in-house counsel may claim attorney-client privilege or work product protection, where appropriate.

Upon review of the 13 documents submitted for review (13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 27, 42), the Court makes the following rulings:

DOC #

13 The email to in-house counsel, together with her annotations, are protected as attorney-client privilege or attorney work product.

14 In-house counsel's six pages of handwritten notes are attorney-client privileged and work product protected.

15, 16, The handwritten annotations by in-house counsel on organization charts are work product
17 protected.

18 This email chain contains a document dated March 22, 2012, addressed to in-house counsel, seeking legal advice. It is attorney-client privileged.

19 The email to in-house counsel is attorney-client privileged.

21, 22,
23 and

27 These documents contain different email chains, but attorney-client privilege is asserted as to the same document as Doc. # 18. The same ruling is applicable.

24 The email, dated November 11, 2011, addressed to in-house counsel, seeking legal advice, is attorney-client privileged.

42 These handwritten notes were prepared by a worker in the Human Resources Department. The redacted portions, pages DBI65412, 165413 reflect communication with in-house counsel. These portions are attorney-client privileged and work product protected.

Plaintiff's objections to defendant's assertion of attorney-client privilege and work product protection for the 13 listed documents are overruled.

Dated: New York, New York
May 9, 2013

SO ORDERED



PAUL A. CROTTY
United States District Judge